

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:13-cv-557-FDW**

<b>WILLIAM HENRY MORRIS,</b>	)
	)
<b>Plaintiff,</b>	)
	)
<b>v.</b>	)
	)
<b>CITY OF CHARLOTTE,</b>	)
<b>CHARLOTTE MECKLENBURG</b>	)
<b>POLICE DEPARTMENT,</b>	)
<b>ALEX SAINE,</b>	)
	)
<b>Defendants.</b>	)

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**ORDER**

**THIS MATTER** is before the Court on an initial review of Plaintiff's complaint filed pursuant to 42 U.S.C. § 1983. See 28 U.S.C. § 1915A.

In his pro se complaint, Plaintiff alleges that Defendant Saine, who Plaintiff alleges is a police officer with the Charlotte Mecklenburg Police Department, violated his Fourth, Eighth and Fourteenth Amendment rights during an encounter at a hotel off the Billy Graham Parkway in October of an unidentified year. Plaintiff contends that he was placed in handcuffs and then Defendant Saine searched him and slammed him against the car causing Plaintiff to suffer a chipped tooth. Plaintiff asserts that the other passengers in the car were not subject to a search and Defendant Saine directed racial epithets against him and exposed his private parts during a further search.

The Court notes that Plaintiff has already filed a § 1983 action in this district that raises nearly indistinguishable allegations against the same officer. In that case, the Court has entered a Pretrial Order and Case Management Plan that sets a discovery deadline of January 15, 2014, and a deadline for filing dispositive motions on February 15, 2014. See (Civil Case No. 3:11-cv-

417-RJC, Doc. No. 32). As Plaintiff is currently pursuing civil action against Defendant Saine regarding the same allegations as are alleged in the instant case under review, the Court will dismiss this case.

To the extent Plaintiff seeks to amend his prior complaint to add the City of Charlotte and Charlotte Mecklenburg Police Department as defendants, that effort will be denied. Plaintiff has offered no allegations against these defendants and has therefore failed to state a claim.

**IT IS THEREFORE ORDERED** that Plaintiff's complaint is **DISMISSED**.

(Doc. No. 1).

The Clerk of Court is directed to close this civil case.

Signed: October 8, 2013

A handwritten signature in black ink, reading "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney  
Chief United States District Judge

